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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,278	09/29/2003	Jack A. DeBraal	1217.18403	3109

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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08/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,278

Applicant(s)

DEBRAAL ET AL.

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 6/1/2007.

Claim Objections

2. Claims 19-21 are objected to because of the following informalities: (1) claim 19, (i) line 9, "at least two longitudinally extending guide rails, said guide rail" should be "at least two longitudinally extending guide rails, each said guide rail", (ii) line 13, "at first pair" should be "a first pair"; (2) line 2, "said guide rail" should be "each said guide rail". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19, (1) line 11, "said cam followers" lacks antecedent basis, thus indefinite; (2) since the claim recited there are two guide rails with each having oppositely disposed parallel guide surfaces and then lines 13-14 recited that the first pair of cam followers being in guiding contact with "a respective one of said parallel guide surfaces", the recitation on line 16 of the second pair of cam followers being in guiding contact with "a respective one of said parallel guide surfaces" and "latitudinally spaced apart" from the first pair of cam follower is vague and indefinite for failing to clearly define whether the respective guide surfaces in guiding contact with

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the second pair of cam followers are the same or different from the ones in guiding contact with the first pair of cam followers; further, it is not clear how each pair of cam followers is arranged relative to each other, e.g., vertically or horizontally, and what considered to be "latitudinally spaced apart".

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,552,403 to Yindra in view of USP 4,752,102 to Rasmussen.

Yindra discloses an adjustable examination table comprising all the elements recited in the above listed claims including, such as shown in Figs 1 and 3, a support table 12; a stationary base 13; and an adjustable height column, said column capable of supporting said patient when said column is being adjusted, said column comprising: at least three sleeve sections 14a-c, said sleeve sections slidably, connected to one another and nestingly arranged within one another, one of said sleeve sections attached to said stationary base 13, another of said sleeve sections attached to said support

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table 12; at least three longitudinally extending guide rails (23,25), each said guide rail having oppositely disposed parallel guide surfaces (23a,25a), wherein at least one of said longitudinally extending guide rails is secured to one of each nesting pair of said sleeve sections, a first pair of oppositely disposed spaced apart cam followers (26,27) being longitudinally in guiding contact with a respective one of said parallel guide surfaces and rotatably connected to other of said nesting pair of said sleeve sections; a second pair of oppositely disposed spaced apart cam followers (26,27) being in longitudinally guiding contact with a respective one of said parallel guide surfaces, said second pair of cam followers latitudinally spaced apart from said first pair of cam followers, said second pair of cam followers prodding support for a patient on said support table; and wherein said examination table is capable of supporting said patient; a third pair of oppositely disposed spaced apart cam followers (26,27) being in longitudinally guiding contact with a respective one of said parallel guide surfaces, said third pair of cam followers being latitudinally spaced apart from said second pair of cam followers, an actuator 19 operated for sliding said sleeve section relative to one another. The differences being that Yindra fails to disclose the actuator being at least two independently operated actuators for sliding said sleeve sections relative to one another; and the height is adjustable to a maximum height of at least 39 inches and a minimum height of at least below 20 inches.

Rasmussen teaches the idea of providing a height adjustable horizontal supporting surface with three sleeves sections telescopically slidably connected to each other, such as shown in Figs 1-3, at least two independently operated actuators 21 for

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sliding said sleeve sections relative to one another; wherein by providing two independently operated actuator, the apparatus can be elevated to a height several times the height of the apparatus when in its retracted position. Therefore, it would have been obvious to modify the structure of Yindra by providing two independently operated actuators for sliding said sleeve sections relative to one another, such that the apparatus can be elevated to a height several times the height of the apparatus when in its retracted position, as taught by Rasmussen, since both teach alternate conventional height adjustable horizontal surface structure, since for the same intended purpose of providing a horizontal supporting surface, thereby providing structure as claimed.

In regard to the table providing up to the height is adjustable to a maximum height of 39 inches and a minimum height of below 20 inches, it would have been an obvious matter of engineering design choice and well within the level of one skill in the art to modify the structure of Yindra, as modified, such that the table can have various maximum load supports as well as maximum and minimum heights, since such only involves routine engineering experimentations.

Response to Arguments

8. Applicant's arguments with respect to claims 19-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
August 17, 2007

LANNA MAI
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Lanna Mai